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SERIAL NUMBER 07/059,367	FILING DATE 05/22/87	FIRST NAMED INVENTOR BEDNORZ	ATTORNEY DOCKET NO. 10741-024
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JACKSON E. STANLAND  
ITEM INTELLECTUAL PROPERTY LAW DEPT.  
P.O. BOX 218  
YORKTOWN HEIGHTS, NY 10598

EXAMINER TARCZAK
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ART UNIT 112	PAPER NUMBER
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DATE MAILED: 12/20/89

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

① Does supp include 123 or B. 2 No take  
② Michel 1983 etc (New Orleans-blue) (Schaply)

- ☐ This application has been examined ☐ Responsive to communication filed on \_\_\_\_\_ ☒ This action is made final.

A shortened statutory period for response to this action is set to expire 17 month(s), \_\_\_\_\_ days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- ☐ Notice of References Cited by Examiner, PTO-892.
- ☐ Notice re Patent Drawing, PTO-948.
- ☐ Notice of Art Cited by Applicant, PTO-1449.
- ☐ Notice of Informal Patent Application, Form PTO-152.
- ☐ Information on How to Effect Drawing Changes, PTO-1474.
- ☐ \_\_\_\_\_

Part II SUMMARY OF ACTION

- ☐ Claims \_\_\_\_\_ are pending in the application.  
Of the above, claims \_\_\_\_\_ are withdrawn from consideration.
- ☐ Claims \_\_\_\_\_ have been cancelled.
- ☐ Claims \_\_\_\_\_ are allowed.
- ☒ Claims THE APPLICATION IS are rejected.
- ☐ Claims \_\_\_\_\_ are objected to.
- ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.
- ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
- ☐ Formal drawings are required in response to this Office action.
- ☐ The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable. ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
- ☐ The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_ has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
- ☐ The proposed drawing correction, filed on \_\_\_\_\_, has been ☐ approved. ☐ disapproved (see explanation).
- ☐ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received  
☐ been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.
- ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
- ☐ Other

EXAMINER'S ACTION

Art Unit 222

1. On March 30, 1989, a petition was filed for the grant of a retrocative license for foreign filing under 35 U.S.C. 184. On May 10, 1989, the petition was denied. No reply to the denial having been received, such denial is hereby made FINAL.


2. Since the petition has been finally denied it would be futile to proceed with the examination of this application on the merits. The application is, therefore, finally rejected as barred by 35 USC 185 which states,

"Notwithstanding any other provision of law any person and his successors, assigns or legal representatives, shall not receive a United States patent for an invention if that person, or his successors, assigns, or legal representatives shall, without procuring the license prescribed in section 184 of this title, have made, or consented in a foreign country for a patent-----in respect of the invention".

3. This is a FINAL rejection.

4. Any inquiry concerning this communication should be directed to T.H. Tubbesing at telephone number 703-557-4918.

Tubbesing/ajh-31  
12-15-89

  
EXAMINER  
IP ART UNIT